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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,645	12/06/2001	Stephen Mark Keating	450110-03709	1868

20999 7590 09/28/2005

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NEW YORK, NY 10151

EXAMINER

KRONENTHAL, CRAIG W

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,645

Applicant(s)

KEATING ET AL.

Examiner

Craig W. Kronenthal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 8, 17 and 25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 9-16, 18-24, 26-59, 63, 64, 66, 68 and 70-75 is/are allowed.
- 6) ☒ Claim(s) 60-62, 65, 67, 69 and 76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/25/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed April 25, 2005, has been entered and made of record.
2. The claim objection to claim 1 has been withdrawn.
3. The claim objections to claims 19-77 are withdrawn in view of their renumbering to 18-76, respectively.
4. The rejection of claim 61 under 35 USC 112 has been withdrawn in view of the amendment.

Response to Arguments

5. Applicant's arguments, filed April 25, 2005, with respect to amended claims 1-7, 9-16, 18-24, 26-59, 63, 64, 66, 68, and 70-75 have been fully considered and are persuasive. The rejections of these claims have been withdrawn.

Applicant's arguments with respect to claims 60-62, 65, 67, 69, and 70, have been fully considered but they are not persuasive. The Applicant argues in essence that Reed et al. (PN 6,590,996) does not disclose a "systematic error correction code". The examiner disagrees and indicates that Reed discloses the error correction operation producing a Reed-Solomon or BCH code (col. 15 lines 49-51), which are well known in the art as being systematic error correction codes.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 61 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 61, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 60-62, 65, 67, 69, and 76 are rejected under 35 U.S.C. 102(e) as being anticipated by Reed et al. (PN 6,590,996) (hereinafter Reed).

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Regarding Claim 60: Reed discloses an apparatus for embedding data into information material, said data comprising a plurality of source data items, said apparatus comprising:

- An error correction encoder (Figure 8, 800) operable to encode each of said data items (Figure 802) in accordance with a systematic error correction code to produce encoded data items each comprising the source data item and redundant data (col. 15 lines 40-48) [The binary message (802) is the information to be embedded in the image block (Figure 8, 808). This message is first encoded before being embedded. The error correction encoder may be a Reed-Solomon or BCH encoder, which produces a systematic error correction code (col. 15 lines 49-51). The encoded data items also contains redundant data (col. 15 lines 55-57).]; and
- A combining processor (Figure 8, watermark function) operable to combine said encoded data items with said information material [The watermark function operates to combine the encoded message with the image block (808) to produce a watermarked image block (col. 15 lines 40-41).].

The analogous arguments of claim 60 are applicable to claims 65, 67, 69, and 70.

Regarding Claim 61: Reed discloses an apparatus as claimed in claim 60, wherein said data items include meta data such as UMIDs. Reed's message representing the data items to be encoded are disclosed as possibly being a copy protection or authentication.

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Both types of data are meta data that describe the content of the information material or host signal (col. 4 lines 29-30).

Regarding Claim 62: Reed discloses a signal (Figure 8, watermarked image block) representative of information material in which data have been embedded by the apparatus claimed in claim 60 (col. 18 lines 42-43). The watermarked image block is a signal resulting from the combination of an information material/image block (Figure 8, 808) and data items/message (Figure 8, 802).

Allowable Subject Matter

9. Claims 1-7, 9-16, 18-24, 26-59, 63, 64, 66, 68, and 70-75 are allowed.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig W. Kronenthal whose telephone number is (571) 272-7422. The examiner can normally be reached on 8:00 am - 5:00 pm / Mon. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

09/19/05
CWK


JINGGE WU
PRIMARY EXAMINER